

MATZ AND PIETSCH

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August 6, 2010

Supreme Court Clerk
P.O. Box 30052
Lansing, MI 48909

RE: Comments on Proposed Amendment to the Michigan Rule
of Professional Conduct 7.3

Dear Clerk:

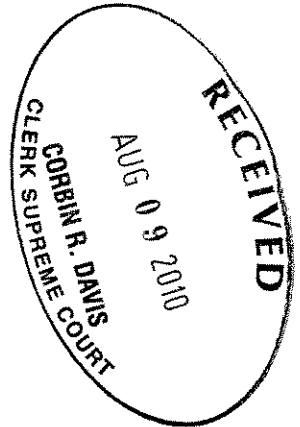
Please consider the following as my comment to the Proposed Amendment to the Michigan Rule of Professional Conduct 7.3.

Our current law office and predecessor firm (The Law Offices of Matz and Rubin, P.C.) have been proud to represent injury victims since 1978. When *Bates v. State Bar of Arizona* 433 U.S. 350 (1977) was first decided, our office began advertising our firm. When *Shapero v. Kentucky Bar Association* 486 U.S.466 (1988) was decided, our firm began direct mail advertising.

When the forgoing cases were decided, there was a hue and cry from the Bar that advertising would spell the end of the practice of law as a "profession." The fear was that prospective clients would be misled by television ads, radio adds or direct mail advertisements.

In the 32 years since *Bates* was decided (and 22 years since *Shapero*) quite the opposite has taken place. Prospective clients are much more aware of their rights than ever before. Prospective clients have choices for finding an attorney that did not exist before advertising. Any statements made by an Attorney in an advertisement is now published and preserved for future criticism.

Advertising generally has two positive benefits...the quality of service increases and the price goes down. A perfect example is our law office. At the Law Offices of Matz and Pietsch each and every prospective client speaks with either of the two named attorneys. If a client cannot come to our office, we go to them. All work is done on a contingency fee basis. Our contingency fee is generally 22% of the net recovery. This is significantly less than the 33 1/3% approved as a maximum reasonable attorney fee by the Michigan Supreme Court. We could not operate our firm this competitively without advertising.



After 22 years of direct mail advertising and 32 years of legal advertising in general, prospective clients and consumers clearly understand that when they see an ad on television or receive a direct mail letter, it is an advertisement.

I am proud to serve the Attorney Discipline Board as a Hearing Panel Chairman. I am unaware of any increase in complaints by consumers of the last 20 years as it relates to attorney advertising.

Apparently, at a July 8 Michigan Supreme Court Administrative Conference, Justice Robert P. Young, Jr. noted "...that the addition of a subsection to rule 7.3 is a perfectly sensible way to let people who are not soliciting legal advice understand that communication from a lawyer is advertising." With due respect to Justice Young, he has not been a practicing attorney in some time and to my knowledge has never represented the interests of injury victims. An amendment to Michigan Rule of Professional Conduct 7.3 is clearly not necessary. The complaints people have about their lawyers has nothing to do with advertising and everything to do with how lawyers treat clients. I agree with Kenneth M. Mogill, who teaches professional ethics at Wayne State University Law School when he indicates that there are other more important legal matters to be addressed by The Rules of Michigan Professional Conduct.

Rules are in place to sanction an attorney who engages in deceptive or misleading communications. It is my strong recommendation that the existing rules be enforced before any additional rules be instituted. At the very least, I would encourage the Court to seek input from the Attorney Discipline Board as to whether indeed, consumers are complaining about receiving information from lawyers that they did not know were advertisements.

It would be my pleasure to answer any questions or comment further in the event the Court has any concerns.

With kindest professional regards, I am,

Very truly yours,

MATZ & PIETSCH, P.C.

A handwritten signature in black ink, appearing to read "Steven J. Matz", written over the printed name.

STEVEN J. MATZ